UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,675	10/30/2001	Mark D. Seaman	10008308-1	4668

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EXAMINER
GAGLIOSTRO, KEVIN M

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/002,675	SEAMAN ET AL.
	Examiner	Art Unit	
	Kevin M. Gagliostro	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>10/30/2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to. ·

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 October 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2 / 5.27.03</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Objections

1. Claim 6 and 14 are objected to because of the following informalities:

Referring to claim 6, there are two periods instead of one at the end of the sentence. Appropriate correction is required.

Referring to claim 14, there is not a period at the end of the last sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

> (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 6, 8, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,166,729 to Acosta et al.

Acosta clearly shows all of the limitations cited in claim 1. See figures 1 and 2 and all other material cited in the specification. Referring to claim 1, Acosta describes an image capture device or camera (figure 1, item 12). This camera consists of image capture hardware configured to capture an image (figure 2, items 24, 26, and 28) (column 4, lines 42-64), all of which are conventional components known to those skilled in the art. Acosta also describes a camera with a network interface device or network communication link module and antenna (figure 2, items 30 and 32), which is configured with a communications network or wireless network (figure 1, item 14). Acosta also describes a camera with logic configured to generate a digital image comprising image data (column 8, lines 40-41) and configured to automatically provide the image data through the communications network, stated in the broadcast module (column 9, lines 62-17 of column 10), as for delivery to at least one specified display device or computer (figure 1, item 22) (column 4, lines 26-41).

Acosta clearly shows the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Acosta describes a camera wherein the at least one specified display device or computer (figure 1, item 22) is specified (column 2, lines 17-26) and is specified prior to generating the digital image (column 7, lines 29-

42) wherein communication begins between the camera and the imagery delivery system upon turning on the camera.

Acosta clearly shows the limitations cited in claim 3. See figures 2 and 3 and all other material cited in the specification. Referring to claim 3, Acosta describes a camera wherein the logic is software stored in memory and further comprising a processor (figure 2, item 28) device for implementing the logic (figure 3 and column 5, lines 27-42), all of which are conventional and known to those in the art.

Acosta clearly shows all of the limitations cited in claim 5. See all material cited in the specification. Referring to claim 5, Acosta describes a camera where the image capture hardware is configured to scan the image (column 2, lines 12-16), which fundamentally are the operational characteristics of a camera.

Acosta clearly shows all of the limitations cited in claim 6. See figure 1, item 22. Referring to claim 6, Acosta describes the image capture hardware as comprising one of a digital camera (figure 1, item 22).

Acosta clearly shows all of the limitations cited in claim 8, which are similar to that of claim 1. See figures 1 and 2 and all other material cited in the specification. Referring to claim 8, Acosta describes an image capture device or camera (figure 1, item 12) with a means for capturing an image and generating a digital image (figure 2, items 24, 26, and 28) (column 2, lines 12-16), comprising image data (column 8, lines 40-41). Acosta also describes a camera with a means for communicating with a communication network (wireless network) (figure 1, item 14) via a network interface device or network communication link module and antenna (figure 2, items 30 and 32). Acosta also describes a camera with a means for automatically providing the image data through the communications network, as stated in the broadcast module (column 9, lines 62-17 of column 10) (column 2, lines 37-42). This image data is for delivery to at least one specified display device or computer (figure 1, item 22). Also, Acosta discloses the steps of acquiring an image as real-time (live image), communicating them to a remote location (communication network), and then switching them selectively to deliver the images to at least one select computer (figure 1, item 22) (column 2, lines 37-42).

Acosta clearly shows all of the limitations recited in claim 10. See figure 1 and 2 and all other cited material in the specification. Referring to claim 10, Acosta describes a method for providing automated delivery of digital images that includes the capturing of an image, generating a digital image of the captured image, and the digital image comprising image data (column 7, lines 26-29) (column 2, lines 12-16) (figure 2, items 24, 26, and 28). Acosta further describes that the automated delivery of the image includes image data to a communications network (wireless network) (figure 1, item 14) for delivery to an image delivery system (central office video management system) (figure 1, item 16).

Acosta clearly shows all of the limitations recited in claim 11. See figure 1 and all
other cited material in the specification. Referring to claim 11, Acosta describes the
method of claim 10 further comprising providing automated image delivery
information to the communications network (wireless network) (figure 1, item 14) for
delivery to the image delivery system (central office video management system)
(figure 1, item 16), the automated image delivery information comprising data
configured, as stated in the broadcast module (column 9, line 62-17 of column 10)
(column 2, lines 37-42), to enable the image delivery system to determine at least
one image display device (computer) to which the image data is to be delivered
(column 7, lines 33-42).

Acosta clearly shows all of the limitations recited in claim 12. See figures 1 and all
other cited material in the specification. Referring to claim 12, Acosta describes a
camera (figure 1, item 22) wherein the automated image delivery information further
comprises identification (ID) data associated with the camera in that the ID data is
configured to be used by the image delivery system (central office video
management system) (figure 1, item 16) in order to identify the camera. This is
accomplished through the use of a TCP/IP protocol with an ID record including
geographical data about the location of the camera using (column 7, lines 30-42).
This command can either come directly from the image delivery system or is
actuated through an update timer (automated) either of which is detected by the
camera (column 9, lines 32-40).

Acosta clearly shows all of the limitations recited in claim 13. See figure 1 and all
other cited material in the specification. Referring to claim 13, Acosta describes a
method of receiving automated image delivery information associated with a camera
(figure 1, item 12) wherein the information is configured for determining an image
display device or computer (figure 1, item 22) (column 4, lines 26-41) to which a
particular digital image is to be delivered, as stated in the broadcast module (column
9, lines 62-17 of column 10). Acosta further describes the method of receiving
image data related to a digital image, provided by the camera to communications
network (wireless network) (figure 1, item 14), stated in the broadcast module
(column 9, lines 62-17, of column 10). Acosta further describes the method based
on the automated image delivery information, determining the image display device
(computer) to which the image data is to be delivered and providing the image data
to the communications network (wireless network) for delivery to the image display
device (column 4, items 26-41).

Acosta clearly shows all of the limitations recited in claim 14. See all material cited
in the specification. Referring to claim 14, Acosta describes a camera method
wherein the automated image delivery information further comprises identification
(ID) data associated with the camera in that the ID data is configured to be used by
the image delivery system (central office video management system) (figure 1, item

16) in order to identify the camera. This is accomplished through the use of a TCP/IP protocol with an ID record including geographical data about the location of the camera using (column 7, lines 30-42). This command can either come directly from the image delivery system or is actuated through an update timer (automated) either of which is detected by the camera (column 9, lines 32-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

> (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 4, 7, 9, and 15-19 are rejected under 35 U.S.C. 103(c) as being anticipated by U.S. Patent No. 6,166,729 to Acosta et al. in view of U.S. Publication No. 2001/0010543 A1 to Ward et al.

Regarding claim 4, Acosta describes the image capture device of claim 1 wherein the logic is configured to generate a digital image comprising image data (column 8, lines 40-41) and configured to automatically provide the image data through the communications network, stated in the broadcast module (column 9, lines 62-17 of column 10), as for delivery to at least one specified display device or computer (figure 1, item 22) (column 4, lines 26-41). However, Acosta does not teach automated delivery information provided by the image capture device (camera) that comprises data for determining at least one specified image display device (computer) to which the image data is to be delivered. Ward teaches a "utilization file" that is created in the camera to provide information on which and how many images are to be emailed to various recipients (paragraph [0014[, lines 13-26). Therefore it would have been obvious to one familiar to the art to combine the image capture device of Acosta to have the "utilization file" that list email recipients to send images too. One would have been motivated to modify the image capture device of Acosta to include the "utilization file" in that it is desirable to immediately share pictures with friends via email or internet access and it is also desirable to transmit pictures from a location without PC access in order to free up camera storage to take additional pictures as stated in Ward (paragraph [0003], lines 10-14).

Regarding claim 7, Acosta further describes the image capture device of claim 4 that additionally includes identification (ID) data associated with the image capture device (camera) in that the ID data is configured to be used by the image delivery system (central office video management system) (figure 1, item 16) in order to identify the camera. This is accomplished through the use of a TCP/IP protocol with an ID record including geographical data about the location of the camera using

(column 7, lines 30-42). This command can either come directly from the image delivery system or is actuated through an update timer (automated) either of which is detected by the camera (column 9, lines 32-40).

Regarding claim 9, Acosta describes the image capture device of claim 8 wherein the means for generating a digital image comprising image data (column 8, lines 40-41) and configured to automatically provide the image data through the communications network, stated in the broadcast module (column 9, lines 62-17 of column 10), as for delivery to at least one specified display device or computer (figure 1, item 22) (column 4, lines 26-41). However, Acosta does not teach a means for automated delivery information provided by the image capture device (camera) that comprises data for determining at least one specified image display device (computer) to which the image data is to be delivered. Ward teaches a "utilization file" that is created in the camera to provide information on which and how many images are to be emailed to various recipients (paragraph [0014[, lines 13-26). Therefore it would have been obvious to one familiar to the art to combine the image capture device of Acosta to have the "utilization file" that list email recipients to send images too. One would have been motivated to modify the image capture device of Acosta to include the "utilization file" in that it is desirable to immediately share pictures with friends via email or internet access and it is also desirable to transmit pictures from a location without PC access in order to free up camera storage to take additional pictures as stated in Ward (paragraph [0003], lines 10-14).

Regarding claim 15, Acosta describes a system for receiving digital images comprising image data (column 8, lines 40-41) and configured to automatically provide the image data through a communications network (wireless network) (figure 1, item 14), stated in the broadcast module (column 9, lines 62-17 of column 10), as for delivery to at least one specified display device or computer (figure 1, item 22) (column 4, lines 26-41). However, Acosta does not teach automated delivery information provided by the image capture device (camera) that comprises data for determining at least one specified image display device (computer) to which the image data is to be delivered. Ward teaches a "utilization file" that is created in the camera to provide information on which and how many images are to be emailed to various recipients (paragraph [0014[, lines 13-26). Therefore it would have been obvious to one familiar to the art to combine the image capture device of Acosta to have the "utilization file" that list email recipients to send images too. One would have been motivated to modify the image capture device of Acosta to include the "utilization file" in that it is desirable to immediately share pictures with friends via email or internet access and it is also desirable to transmit pictures from a location without PC access in order to free up camera storage to take additional pictures as stated in Ward (paragraph [0003], lines 10-14).

Regarding claim 16, Acosta further describes the system of claim 15 wherein the automated image delivery information further comprises identification (ID) data

associated with the camera in that the ID data is configured to be used by the image delivery system (central office video management system) (figure 1, item 16) in order to identify the camera. This is accomplished through the use of a TCP/IP protocol with an ID record including geographical data about the location of the camera using (column 7, lines 30-42). This command can either come directly from the image delivery system or is actuated through an update timer (automated) either of which is detected by the camera (column 9, lines 32-40).

Regarding claim 17, Acosta describes an image delivery system or central office video management system (figure 1, item 16) for providing automated delivery of digital images, which comprises a network interface device or antenna (column 5, lines 43-57) configured for communication with a communications network or wireless network (figure 1, item 14). Acosta also describes logic configured to automatically provide the image data through a communications network (wireless network) (figure 1, item 14), stated in the broadcast module (column 9, lines 62-17 of column 10), as for delivery to at least one specified display device or computer (figure 1, item 22) (column 4, lines 26-41). However, Acosta does not teach automated delivery information provided by the image capture device (camera) that comprises data for determining at least one specified image display device (computer) to which the image data is to be delivered. Ward teaches a "utilization file" that is created in the camera to provide information on which and how many images are to be emailed to various recipients (paragraph [0014[, lines 13-26). Therefore it would have been obvious to one familiar to the art to combine the image capture device of Acosta to have the "utilization file" that list email recipients to send images too. One would have been motivated to modify the image capture device of Acosta to include the "utilization file" in that it is desirable to immediately share pictures with friends via email or internet access and it is also desirable to transmit pictures from a location without PC access in order to free up camera storage to take additional pictures as stated in Ward (paragraph [0003], lines 10-14).

Regarding claim 18, Acosta further describes the image delivery system or central office video management system (figure 1, item 16) of claim 17 wherein it is consisting of logic or software stored in memory and further comprising a processor device for implementing the logic (column 6, lines 1-27) comprising that of a host computer (figure 5, items 78).

Regarding claim 19, Acosta further describes the image delivery system or central office video management system (figure 1, item 16) of claim 17 wherein the automated image delivery information further comprises identification (ID) data associated with the camera in that the ID data is configured to be used by the image delivery system (central office video management system) (figure 1, item 16) in order to identify the camera. This is accomplished through the use of a TCP/IP protocol with an ID record including geographical data about the location of the camera using (column 7, lines 30-42). This command can either come directly from

the image delivery system or is actuated through an update timer (automated) either of which is detected by the camera (column 9, lines 32-40).
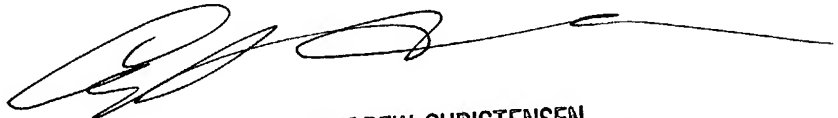
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro   11/17/2004

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